

Appl. No. 10/780,903
Amendment dated October 9, 2009
Reply to Office Action of July 9, 2009

REMARKS

In the July 9, 2009 Office Action, claims 10, 12-15, 18, 19, 21-23, 26, and 28-30 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the July 9, 2009 Office Action, Applicants have amended claims 10, 18, 19, 21, and 26 as indicated above. Thus, claims 10, 12-15, 18, 19, 21-23, 26, and 28-30 are pending, with claims 10, 18, 19, 21, and 26 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Foreign Priority

Applicants submit herewith an English translation of Japanese Application No. 2003-044341 to perfect the foreign priority claim. The certified copy of Japanese Application No. 2003-044341 was previously acknowledged in the Office Action dated on June 28, 2006. Applicants believe that the English translation of the Japanese Patent Application No. 2003-044341 submitted herewith is true and accurate translation.

Applicants believe claims of the present application are fully supported by the disclosure of Japanese Application No. 2003-044341. Thus, claims of the present application are entitled to benefit of the filing date of Japanese Application No. 2003-044341 (February 21, 2003) under 35 U.S.C. §119(a).

Rejections - 35 U.S.C. § 103

In items 2-10 of the Office Action, claims 10, 12-15, 18, 19, 21-23, 26, and 28-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication

No. 2003-0198140 (Shimizu) in view of U.S. Patent No. 6,218,769 (Iino et al.). In response, Applicants have amended independent claims 1, 18, 19, 21, and 26 as mentioned above.

More specifically, as Applicants have amended independent claim 1, claim 1 now requires, *inter alia*,

an antenna;

a communication unit for communicating with an external communication device via the antenna; and

a time display unit having a mechanical structure, the time display unit on which time information is displayed by the mechanical structure,

the communication unit including a receiving unit configured to receive time information at a specific cycle from the outside via the antenna, and a current time counter for sequentially updating current time information by using the time corresponding to the time information received by the receiving unit,

the time display unit using a piezoelectric actuator as a drive source and displaying the time information with the mechanical structure on the basis of the current time information,

the timing device driving pointers to display the current time while receiving radio wave signals.

Shimizu was cited in the Office Action to reject claim 1 by showing a radio controlled timepiece comprising an antenna being configured to receive electromagnetic waves, a communication unit to communicate with an external communication device via the antenna, the communication unit having a receiving unit, receiving time information at a specific cycle

from the outside via the antenna, a current time counter unit sequentially updating the current time information using the time corresponding to the time information received by the receiving unit as a reference, and a drive unit and a mechanical structure provided with a time display unit displaying time information.

Iino et al. were cited in the Office Action to reject claim 1 by showing that a piezoelectric actuator or motor is a conventional driving means for actuating a mechanical time display in timepieces.

However, Applicants respectfully assert that none of the prior art of record or any combination thereof makes the claimed invention obvious. As explained in the Office Action, Shimizu suggests that a display 5 is driven by a stepping motor or other drivers, but claim 1 now recites that the timing device drives pointers when receiving radio wave signals. Shimizu's reference with regards to the stepping motor or other drivers does not satisfy the claimed arrangement **because** Shimizu does not teach at all that the stepping motor or other drives drive **while** receiving radio wave signals. The benefit of the claimed invention is that the timing device drives while receiving signals from outside. For example, the timing device can display current time information while receiving reference signals from outside via an antenna. Applicants respectfully assert that one skilled in the art would have understood that the time display unit of the claimed invention is unique and non-obvious. Iino et al. are silent with regards to this arrangement. Therefore, a mere combination of Shimizu and Iino et al. does not make the claimed invention obvious, **unless** motors are arranged to drive a timing device while receiving radio wave signals in the prior art of record. Namely, the radio controlled timepiece of Shimizu does **not** work in the way Applicants intend, event though combined with the piezoelectric actuator disclosed by Iino et al.

Clearly this arrangement is *not* disclosed or suggested by the Shimizu, Iino et al., or any other prior art of record. Under U.S. patent law, the mere fact that the prior art can be modified does *not* make the modification obvious, unless an *apparent reason* exists based on evidence in the record or scientific reasoning for one of ordinary skill in the art to make the modification. See, KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727, 1741 (2007). The KSR Court noted that obviousness cannot be proven merely by showing that the elements of a claimed device were known in the prior art; it must be shown that those of ordinary skill in the art would have had some "apparent reason to combine the known elements in the fashion claimed." Id. at 1741. The current record lacks any apparent reason, suggestion or expectation of success for combining the patents to create Applicants' unique arrangement of the timing device.

As claims 18, 19, 21, and 26 similarly recite, Applicants respectfully assert that claims 18, 19, 21, and 26 are allowable for the same or similar reasons stated above.

Moreover, Applicants believe that dependent claims 12-15, 22, 23, and 28-30 are also allowable over the prior art of record in that they depend from independent claim 1 or 18, and therefore are allowable for the reasons stated above. Also, the dependent claims 12-15, 22, 23, and 28-30 are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not disclose or suggest the invention as set forth in independent claim 1 and 18, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

Moreover, as shown above, Applicants have perfected the foreign priority of Japanese Patent Application No. 2003-044341. The filing date of Shimizu is March 21, 2003 which is

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later than the filing date (February 21, 2003) of the Japanese Patent Application No. 2003-044341. Therefore, Shimizu is **not** qualified as a prior art.

Therefore, Applicants respectfully request that the rejections be withdrawn in view of the above comments and amendments.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 10, 12-15, 18, 19, 21-23, 26, and 28-30 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

/ Akiyoshi Onda /
Akiyoshi Onda
Reg. No. 63,773

GLOBAL IP COUNSELORS, LLP
1233 Twentieth Street, NW, Suite 700
Washington, DC 20036
(202)-293-0444
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